

EXHIBIT NO. 17

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

VIVIAN BERT, et al.,

Plaintiffs,

vs.

AK STEEL CORPORATION,

Defendant.

CASE NO.
C-1-02-467

Deposition of: SUSAN R. LESTER

Taken: By the Plaintiffs
Pursuant to Notice

Date: February 16, 2005

Time: Commencing at 8:02 a.m.

Place: Taft, Stettinius &
Hollister, LLP
425 Walnut Street
Suite 1800
Cincinnati, Ohio 45202

Before: Karen Volk, RPR
Notary Public - State of Ohio

ORIGINAL

1 bottom, that's a separate individual piece of paper.

2 Q. So your application form has an
3 application with a tear-off sheet contained on it?

4 A. Yes, sir.

5 Q. All right. And are the tear-off sheets
6 and applications both retained by you?

7 A. Yes.

8 Q. Do you have all of the tear-off sheets
9 from January of 2000 to the present?

10 A. I couldn't say that I do for sure.

11 Q. Okay. Do you have -- do you do any kind
12 of process to try to assure yourself that you have
13 all the tear-off sheets for each applicant for
14 positions at the Ashland Works from January of 2000
15 to the present?

16 A. No. We would only keep the current and
17 one year past. So, you know, to say that I had 2000
18 ones, all of them, I'm not real sure.

19 Q. What do you -- you say you only keep the
20 present ones and the last year past. What do you do
21 with the ones beyond that two year period?

22 A. They are destroyed.

23 Q. So you would not even have complete
24 tear-off sheets for Ashland for any other year other
25 than 2004 -- I'm sorry, 2005 and 2004, is that

1 than minor traffic citations since January of 2000?

2 A. Of course that's in the 50 to 100 I
3 mentioned.

4 Q. You have no records to indicate which
5 ones -- which applicants you've eliminated for
6 that --

7 A. No.

8 Q. -- conviction for a crime?

9 A. No.

10 Q. You don't know whether the majority of the
11 50 to 100 were eliminated for conviction for crime,
12 work history or attendance?

13 A. That's correct.

14 Q. All right. Once you go through this -- so
15 basically we got a screen that's conducted by the
16 employment service for high school education, GED and
17 18 years of age. Then you get the applications in
18 hand and you screen them for both of those two items,
19 plus convictions for crimes other than minor
20 employment -- I'm sorry, minor traffic citation, work
21 history problems and attendance problems, is that
22 correct?

23 A. That's correct.

24 Q. Once you go through those two screens, the
25 next step in the process is a test?

1 A. That's correct.

2 Q. Okay. How do you get notice to the
3 employees that they're going to be tested?

4 A. There's two ways. The majority of the
5 time I make all those phone calls myself. Mr. Cosby,
6 I will tell him to tell people if they're resumes
7 he's brought in to me.

8 We did have the state to help me with that
9 a little bit when we had a really big, big group.

10 Q. When was that?

11 A. I think that was 2003, 2004. No. No, it
12 would be 2002, 2003, like December to January of that
13 time frame.

14 Q. December of 2002 to January -- you did a
15 lot of hiring during that time frame?

16 A. No. I thought I was going to. We had a
17 freeze on hiring and we didn't do it. But I thought
18 I was going to.

19 Q. So how far through the process did you get
20 before you decided or you were told that you weren't
21 going to hire?

22 A. Got them tested.

23 Q. So you got them tested?

24 A. Yes.

25 Q. Then you were told that there was a freeze

1 reports she sends me.

2 Q. So you have one test file that would
3 reflect the results for every individual that has
4 taken this test designed by Dr. Gibson at the Ashland
5 and Middletown -- I'm sorry, at the Ashland plant
6 from January of 2000 to the present?

7 A. Yes, sir.

8 Q. How many tests have been administered. If
9 you had to guess how many people are in that file,
10 1,000 or --

11 A. Oh, I wouldn't guess.

12 Q. Do you have any judgment?

13 A. It would be close to 1,000, I'd say.

14 Q. Okay. Have there ever been any
15 individuals who have not been required to take this
16 test?

17 A. No, sir.

18 Q. Do you remember the year in which this
19 test was implemented?

20 A. No, sir.

21 Q. Has it been implemented since 1990?

22 A. Yes.

23 Q. Were the laborers who were already in the
24 position required to take this test at the time it
25 was implemented or was it only used for future